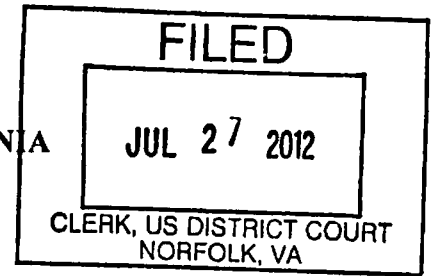


**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



LARRY B. KNIGHT, #1002852,

Petitioner,

v.

ACTION NO. 2:11-cv-00655

HAROLD W. CLARKE,
Director of the Virginia
Department of Corrections,

Respondent.

FINAL ORDER


Petitioner, a state prisoner sentenced in the Circuit Court of the City of Norfolk, submitted a *pro se* petition, pursuant to 28 U.S.C. § 2254 asserting that Petitioner suffered a deprivation of due process as a result of the Virginia Department of Corrections' failure to correct Petitioner's prison records to reflect a mandatory release date. The petition was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Magistrate Judge's Report and Recommendation filed May 31, 2012, recommends dismissal of the petition with prejudice, as the petition is barred by the statute of limitations. ECF No. 15. The Court has received no objections to the Report and Recommendation, and the time for filing objections has expired.

The Court does hereby accept the findings and recommendations set forth in the Report and Recommendation filed May 31, 2012, and it is therefore ORDERED that Respondent's Motion to Dismiss, ECF No. 10, be GRANTED, and that the petition be DENIED and DISMISSED with prejudice, on the basis that the petition is barred by the statute of limitations. It is further ORDERED that judgment be entered in favor of Respondent.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within 30 days from the date of entry of such judgment.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003).

The Clerk shall mail a copy of this Final Order to Petitioner and to counsel of record for Respondent.



Arenda L. Wright Allen
United States District Judge

Arenda L. Wright Allen
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
July 27, 2012